

1 Total pages: 2
JAMES E. SALVEN
2 Chapter 7 Trustee
8427 N. Millbrook Ave., Ste. 101
3 Fresno, California 93720
(559) 230-1095
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5
6 **IN THE UNITED STATES BANKRUPTCY COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**

8 In the Matter of

Case No. 10-12149-B-7

9 DC No. JES-2

10 **HODGES BUILDING MATERIAL**
11 **CO., INC.,**

**TRUSTEE'S MOTION TO SELL
PROPERTY OUT OF THE
ORDINARY COURSE OF
BUSINESS AT PUBLIC AUCTION**

12
13
14 Debtor(s).
15 _____ /

Date: April 14, 2010
Time: 10:00 a. m.
Dept: Dept. B

16 **TO THE HONORABLE W. RICHARD LEE, UNITED STATES BANKRUPTCY**
17 **JUDGE:**

18 James Salven respectfully represents:

19 1. He is the duly appointed, qualified and acting trustee of
20 the above-entitled estate.

21 2. The above-captioned case was filed under Chapter 7 on
22 3/2/10.

23 3. This Court has jurisdiction over this proceeding by
24 virtue of 28 U.S.C. §1334(a). This is a "core" proceeding pursuant
25 to 28 U.S.C. §157(b) (2) (A), (N). This motion is brought pursuant
26 to 11 U.S.C. §363.

27 4. The assets of this estate are described as: 1) Business
28 Inventory; 2) Various vehicles & equipment (see Exhibit "A"

1 attached to the Notice of Hearing).

2 5. Trustee wishes to sell the subject assets so that the
3 proceeds can benefit the estate. The Trustee has elected to sell
4 the assets by means of public auction to be held on or after April
5 14, 2010, at Baird Auctions and Appraisals located at 1328 North
6 Sierra Vista, Suite B in Fresno, California.

7 6. Trustee has filed an application for authority to employ
8 said auctioneer.

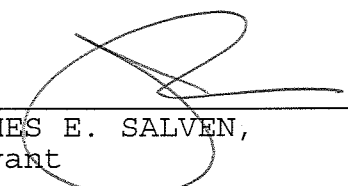
9 7. Auctioneer routinely holds regularly scheduled, and
10 advertised, auctions on Tuesday nights. Estate will retain the
11 right to approve sales price and, if not deemed sufficient, will
12 withdraw the item and place in a subsequent sale.

13 8. Trustee believes that such auction is in the best
14 interest of the creditors.

15 9. The property to be sold constitutes a portion of the
16 personal property in possession of the debtor(s) at the time the
17 case was filed and is not subject to available exemption.

18 WHEREFORE, the trustee prays that after appropriate notice and
19 opportunity to be heard, he be authorized to sell the above-
20 described assets at public auction.

21
22
23 DATED: 3/10/10



JAMES E. SALVEN,
Movant